



**TOWN OF TEWKSBURY
CONSERVATION COMMISSION
999 Whipple Road
Tewksbury, MA 01876**

Stanley Folta, Chairman
Anthony Ippolito, Vice-Chair
Sean Czarniecki, Clerk
Stephen Deackoff
Dennis Sheehan

**Meeting Minutes
February 20, 2013**

The meeting was called to order at 7:00 PM at the Tewksbury Town Hall by Stanley Folta, Chairman. Present at the meeting were Anthony Ippolito, Stephen Deackoff, Dennis Sheehan, and Sean Czarniecki. Also in attendance was Melissa Johnson, Recording Secretary. Kyle Boyd, Conservation Agent, was not in attendance.

Approval of Meeting Minutes – February 6, 2013

Mr. Czarniecki noted that the minutes have not yet been received.

MOTION: Mr. Czarniecki made the motion to table the approval of the February 6, 2013 meeting minutes; seconded by Mr. Ippolito and the motion carried 5-0.

A) Public Meeting, Certificate of Compliance Request, 16 Briarwood, Todd Johnson, Map 19, Block 59, DEP #305-58

Mr. Sheehan recused himself and left the room.

Present was Todd Johnson of 16 Briarwood (Lot 90). Mr. Johnson explained that this property is currently on the market to be sold. While preparing the paperwork, it was determined that the deed has an outstanding Order of Conditions for this lot. Mr. Johnson did some further research and learned that an Order of Conditions was issued on May 26, 1981 and was relative to the entire subdivision then known as Carriage Estates. Approximately twenty or thirty homes were impacted by the Order including his Lot, Lot 90. In October, 1989, a blanket Certificate of Compliance was issued for the subdivision and indicates that the individual lots would have to seek their own individual certificates. Mr. Johnson purchased the property in 1991 from the developer and this issue was never brought up. Neither the lot nor the footprint of the home has changed since the home was constructed.

Mr. Folta asked who the developer was. Mr. Johnson noted it is listed as REA Loan Realty Trust, but there were a number of organizations involved.

MOTION: Mr. Czarniecki made the motion to issue a Partial Certificate of Compliance, 16 Briarwood (Lot 90), Todd Johnson, Map 19, Block 59, DEP #305-58; reference shall be made to the documents recorded with the Middlesex North Registry of Deeds at Book 5090, Page 75 (Order of Conditions) and Book 3394, Page 113; seconded by Mr. Ippolito and the motion carried 4-0.

Mr. Sheehan returned.

B) Public Meeting, Certificate of Compliance, 2087 Main Street, Gary Brown, Map 84, Lot B, DEP #305-935

Mr. Jeff Ryder of Cuoco & Cormier was present. Mr. Ryder explained that this is the site of Merrimack Valley Pavilion (MVP); which is the former site of Grand Prix. Mr. Ryder explained that most of the work has been completed and the site has been stabilized. All of the work in the Commission's domain has been completed and there are a couple of additional areas that require landscaping, etc.

Mr. Folta asked if the riverside areas have been stabilized. Mr. Ryder confirmed this. Mr. Folta asked if the catch basins and siltation devices are still in place. Mr. Ryder confirmed this. Mr. Folta noted that he spoke to Mr. Boyd this evening regarding this matter and he indicated that he has reviewed the site and everything appears to be in order.

Mr. Deackoff referenced Mr. Ryder's letter and noted that it states "except as shown on the attached plans". Mr. Ryder explained that there were a couple of minor changes such as pulling back the miniature golf course and contour changes. Mr. Folta asked if there is a revised drawing for the contour changes. Mr. Ryder explained that the plan submitted to the Commission shows the as-built in red and the approved plan in black and gray.

Mr. Czarniecki noted that the plan that was submitted is not the same as the last plan that was submitted to the Commission. The changes that were made were not seen or approved by the Commission. Mr. Czarniecki feels that Mr. Serwatka should review the changes that were made. Mr. Ryder noted that it was his understanding that Mr. Boyd has reviewed and approved the as-built plans.

Mr. Deackoff noted that there appears to be a lot of changes and he would also feel more comfortable if this was reviewed by Mr. Serwatka.

Mr. Folta suggested continuing this matter to the next meeting to allow Mr. Serwatka to review the changes.

MOTION: Mr. Czarniecki made the motion to continue Certificate of Compliance, 2087 Main Street, Gary Brown, Map 84, Lot B, DEP #305-935, to March 6, 2013 at 7:02 p.m.; seconded by Mr. Ippolito and the motion carried 4-0.

C) Enforcement Order, 91 Emily Road, Brian Schofield, Map 110, Block 5

Mr. Brian Schofield was present. Mr. Folta asked Mr. Schofield if he has received Mr. Manuell's correspondence. Mr. Schofield confirmed this. Mr. Folta asked if a plan has been put together yet. Mr. Schofield explained that he met with Mr. Manuell who informed him that in the short term he should outline the property with hay bales. Mr. Schofield explained that he called around and he has been unable to find any due to the time of year. Mr. Folta suggested using silk sock instead of the hay bales. Mr. Schofield explained that he has been unable to do any significant work due to the snow.

Mr. Schofield noted that he also spoke with Mr. Manuell with regards to installing boulders at the rear of the property. Mr. Folta noted that this would be part of the plan that should be submitted to the Commission.

It will likely be another six weeks until any work can be done and Mr. Schofield will continue to work with Mr. Boyd and Mr. Manuell.

New Business

MACC 2012 Annual Conference, March 2, 2013, \$120.00 per member

Mr. Ippolito and Mr. Deackoff noted that they both plan to attend the conference with Mr. Boyd.

MOTION: Mr. Folta made the motion to appropriate \$360.00 for two Conservation Commission members and Mr. Boyd to attend the MACC 2012 Annual Conference on March 2, 2013; seconded by Mr. Ippolito and the motion carried 5-0.

Old Business

Proposed Bylaw Changes

Mr. Czarniecki noted that the proposed changes have been reviewed by all of the Commission members.

Mr. Folta noted that his only concern is that ensuring that there is also something added to the regulations regarding these changes.

MOTION: Mr. Folta made the motion to submit the warrant article for the May, 2012 Annual Town Meeting as presented; seconded by Mr. Czarniecki and the motion carried 5-0.

Adjournment

MOTION: Mr. Ippolito made the motion to adjourn; seconded by Mr. Sheehan and the motion unanimously carried 5-0.

Respectfully submitted,

Approved: _____

Sean Czarniecki, Clerk

Date

3/20/13